

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI

FILED

MAR 28 2022

ARTHUR JOHNSTON

BY 12 NC 03 DEPUTY

VARTAURSE CARNELOUS PENNS #440460
VERSUS CIVIL ACTION NO. 1:21-CV-00347-GRM
HARRISON COUNTY JAIL, et al. DEFENDANTS

COMPLAINT FOR INJUNCTION AND RELIEF
COMES NOW VARTAURSE CARNELOUS PENNS #440460
In the Above Style Case and Cause number of a Civil
matter and does file this his motion for COMPLAINT
FOR INJUNCTION AND RELIEF and in doing so does
state to be true the following to wit:

(A) PLAINTIFF Resides in the County of HARRISON,
STATE OF MISSISSIPPI. He is presently under
the custody of MDOC, but resides in the Harrison
County JAIL and has a 1983 CIVIL RIGHTS COMPLAINT
FILED in the UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN
DIVISION located at 2012 15th street Gulfport
MS, 39502 Suite #403. And will be processed and
tried within a short time.

(B) HARRISON County JAIL et al. Are the current
defendants in a use of unnecessary force and or
excessive force CIVIL CASE and also an grievance
through its administration concerning custody status
and unacceptable punishments or cruel and
unusual punishments by the jail have been a burden
and have restricted the plaintiff and others at
the jail by way of its DISCIPLINARY PROCEDURES
which allows the County Jail to PUNISH the PLAINTIFF
if given a MAJOR RVR. The administration of the
Jail violates the Bureau of Prisons Policy
of how such prisoners shall be obtained. the
Harrison County Jail takes AWAY ALL Privileges
which is beyond double jeopardy and violates
the rights of ANY one in the DISCIPLINARY
STATUS.

(c.) Defendants Harrison County Jail et al. take away use of telephone visitation and controllen, use of kiosk. And the Plaintiff VARTAURSE IC, Penns has been subsequent to the Engaging of officers who hand cuffed and beat Plaintiff VARTAURSE & Penns while in medical on 6/10/2021, the Plaintiff was accused of spitting on the officer and placed on Red on Red status which is an inmate and officer altercation which deprives the Plaintiff of being able to become an inmate worker via trusty and also was sanctioned to months in solitary confinement until an investigation was complete. After finding that MR. Penns the Plaintiff's DNA was nowhere to be found and camera or video footage would prove accusations with MR. Penns were false the defendants Harrison County Jail's administration decided to keep Plaintiff VARTAURSE Cornelious Penns in locked down on Red on Red status and refuse to remove such custody level even with the proof of wrong doings and misconduct by staff at the Harrison County Jail, the County jail did demote and or remove status of both officers from Emergency Response team members to regular correctional officer before a one James Jones former officer involved resigned, Also Kimberly Hodges still is employed at Harrison County Jail on 5/1 LARKIN SMITH DRIVE Port MS 39502 complaints as well as request have been submitted to defendants Captain LE LIZC, WARDen Hubbard, ALSO the SHERIFF TROY Peterson which was denied and said defendants have hindered Plaintiff's ability to make positive changes and enjoy normal inmate life while housed at Harrison County Jail because of these wrongful allegations of inmate and officer altercation which AT no time did Plaintiff put hands on any officer nor did the Plaintiff spit on 6/10/2021.

(D) Jurisdiction of this proceeding is invoked under the provision of title 28, section 1333 of the UNITED STATES CODE. These proceedings are instituted for violation of rights granted to the citizens of the United States under title 42, section 1983 of the UNITED STATES Code, together with those constitutional rights granted under the Sixth Amendment and Fourteenth Amendment of the Constitution of the United States as well as similar provisions of the MISSISSIPPI Constitution. Upon information and belief HARRISON COUNTY JAIL intends to use cruel and unusual punishment and state on record that Plaintiff VARTAURSE Cornelious Penn #140460 ASSAULTED ANY OFFICER during the Altercation on June 10, 2021 while in medical which is the reason for such punishment. The officers are using forms of retaliation to continue to keep defendant housed in lock down cell with no access to the outside world, television radio, or visitation allowed when even in the penitentiary prisoners are allowed to use the phone and watch television, XARD call at least for an hour even on lock down but not experience the loss of all privileges before an thorough investigation is complete and then sanctions are given. The Plaintiff MR. VARTAURSE Cornelious Penns ability to handle court matters and to communicate properly with Attorneys and function appropriately is being stripped away. Plaintiffs ability to defend his wife against these wrongful allegations of the officers reasons for beating him and placing him on Red on Red STATUS and refusing to clear plaintiffs name depend completely on the rights and protection afforded him under the Constitution of the United States and the Constitution of MISSISSIPPI.

(E:1) Local publicity has placed an extremely difficult burden upon plaintiff in these proceedings and in proving the co-operation of witnesses who can and should testify in support of plaintiff's innocence. No HARRISON COUNTY Video footage and Nurse Felicia Lynd, A.L.S.H.T. Sahuque of the Harrison County Jail, notwithstanding due to the fact that HARRISON COUNTY Jail and Correctional officers within the DIVISION OF CORRECTIONS have assaulted MR. VARTAKSE Cornelius Penns (Plaintiff) placed him on Administrative LOCKDOWN and restricted all privileges because of False accusations the plaintiff has been charged for Medical exams that did not take place such as X-Rays and CTS (CAT SCANS) After the incident, Defendants HARRISON COUNTY JAIL are the only individuals who possess video footage and the authority to truly authorize MR. Penns to be placed back into normal black and whites or Busted level after the 6/10/21 incident the plaintiff has suffered tremendously by court appearances brandishing an all red jumpsuit which appeared very distasteful to the Honorable N.C. Circuit Court during pleadings. Plaintiff has not been able to reach an appropriate ear at Harrison County Jail to put an end to the status of humility the damage done to Plaintiff by this willful deprivation of his Constitutional and Civil rights is irreparable, further violations can only be prevented by an immediate entry of an appropriate Order of this Honorable Court restraining and prohibiting Defendants HARRISON COUNTY JAIL ET AL. from continuing the course of conduct calculated to injure plaintiff's fight for Justice and freedom and exonerate, that PLAINTIFF has no other adequate remedy at law, therefore, PLAINTIFF prays that this honorable court gives judgement restraining and Enjoining Kimberly Hodges, James Jones, ERICA Jimenez, Harrison County JAIL ET AL from counseling, advising, ordering, instructing, threatening or intimidating Plaintiff acts which

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Have or tend to have any of the above stated results take place.

(F) ALSO Directing HARRISON COUNTY JAIL et al to appear at a time and place fixed by the HONORABLE US DISTRICT COURT for SOUTHERN DISTRICT SOUTHERN DIVISION SUITE 403, and answer all relevant questions put to him/her by this PLAINTIFF VARTAURSE C PENNS #440460 in his defense in connection with the 1983 CIVIL RIGHTS COMPLAINT AND FINDINGS ON AS SOUL and use of unnecessary force and restrictions and cruel and unusual punishment applied by the HARRISON COUNTY JAIL et al and the opinion or opinions he/she has formed relations in the findings, ALSO and to produce at this appearance any and all relevant MATERIAL products of the INCIDENT on 6/10/2021, as well as the Video and Audio with they have been held with together any and all relevant MATERIAL papers, reports, documents, records and correspondence to remove the Red on Red STATUS and place Plaintiff back to Normal block and whites or B, custody and to continue to punish inmates at the jail by losses of all privilages and placing them in LOCKDOWN without use of phone, television or microwave, Canteen, or VISITATION, without properly investigating the matter or violating Constitutional rights as well as the CIVIL RIGHTS and the CONSTITUTION OF MISSISSIPPI. Upon final hearing, make this injunction permanent; that the Defendants HARRISON COUNTY JAIL FOLLOW ALL RIGHTS AND BSEA OF PRISONERS POLICIES and reframe from taking All privilages At once during DISCIPLINARY sections and lockdown offenders be allowed to use phone. further once GRANT SUCH OTHER AND FURTHER RELIEF AS IT MAY DEEM PROPER. Respectfully Submitted: VARTAURSE CORNELIUS PENNS #440460

Vartaurse C. Penns #440460

PRO SE LITIGANT
1045 CLARKINS MILK DRIVE
TULFPORT MS 39502

THIS is to certify that I have, as of this
 Date 24/March/22 personally served opposing Counsel
 of Harrison County, Ms. et al in the foregoing matter with
 a copy of the above-mentioned documents by depositing
 said copy in the United States Mail in a properly addressed
 envelope with adequate postage attached.
 So CERTIFIED on this 24 March 2022.

VARTAURSE Cornelious PENNS #440460
 Pro Se Litigant
 10451 LARKIN SMITH DRIVE
 GULFPORT MS, 39502 #440460
 Varta Penn

24/March/2022
 Date:

10/October/2025
 Expiration Date:

